

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CHARLES EDWARD MURPHY,

Plaintiff,

v.

CIVIL ACTION NO. 3:20-0409

CORPORAL AKERS;
SGT. FERGESON;
CORPORAL HENDRICKS;
ASHLEY VALLANDINGHAM;
COI TAYLOR LITTLEJOHN and
COI SHAN CHAFFIN,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court deny the Correctional Defendants' motion for summary judgment (ECF No. 92) with respect to the issue of exhaustion of administrative remedies and Plaintiff's Eighth Amendment claims against Ferguson and Chaffin, but otherwise grant their motion with respect to Plaintiff's Eighth Amendment claims against Akers, Hendricks, and Littlejohn. The Magistrate Judge further recommended that the Court deny Vallandingham's motion for summary judgment (ECF No. 97) with respect to the issue of exhaustion of administrative remedies, but otherwise grant her motion. Finally, to the extent that Plaintiff's


response document (ECF No. 102) is also deemed to be a motion for summary judgment on Plaintiff's behalf, the Magistrate Judge recommended that the Court deny that motion. No objections to the Magistrate Judge's findings and recommendation have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and, consistent with the findings and recommendation, **DENIES** the Correctional Defendants' motion for summary judgment (ECF No. 92) with respect to the issue of exhaustion of administrative remedies and Plaintiff's Eighth Amendment claims against Ferguson and Chaffin, but otherwise **GRANTS** their motion with respect to Plaintiff's Eighth Amendment claims against Akers, Hendricks, and Littlejohn. Further, the Court **DENIES** Vallandingham's motion for summary judgment (ECF No. 97) with respect to the issue of exhaustion of administrative remedies, but otherwise **GRANTS** her motion. Finally, to the extent that Plaintiff's response document (ECF No. 102) is also deemed to be a motion for summary judgment on Plaintiff's behalf, the Court **DENIES** that motion.

This matter remains referred to the Magistrate Judge for additional proceedings.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 3, 2022



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE